

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRIS BLOSSER,  
Plaintiff-Appellant,

CASE NO. 2:07-CV-11781  
HONORABLE PATRICK J. DUGGAN

v.  
TERRI LYNN LAND and  
MICHAEL REYNOLDS,  
Defendants-Appellees.

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**ORDER DENYING PLAINTIFF-APPELLANT'S MOTION TO  
VACATE APPELLANT FILING FEES**

At a session of said Court, held in the  
U.S. District Courthouse, Eastern District  
of Michigan on April 30, 2009.

PRESENT: HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Plaintiff-Appellant's Motion to Vacate  
Appellant Filing Fees, filed April 6, 2009.

Plaintiff, a *pro se* prisoner, commenced this action against Defendants, challenging Michigan's Driver Responsibility Law, MICH. COMP. LAWS ANN. § 257.732a. Defendants filed a motion to dismiss, which this Court granted in an opinion and order issued on March 25, 2008. Plaintiff thereafter filed a notice of appeal and an application to proceed on appeal without prepayment of fees. In an order issued on June 11, 2008, this Court granted Plaintiff's request to proceed without prepayment of fees. The Court directed the custodian of Plaintiff's prison account to collect and pay to the Clerk of the Court a portion of the filing fee initially and a portion of the remaining fee on a monthly

basis until the fee is paid in full. On January 14, 2009, the Sixth Circuit affirmed this Court's dismissal of Plaintiff's complaint. On February 5, 2009, the appellate court issued its mandate which states as to costs: "no costs."

Plaintiff interprets the Sixth Circuit's "no costs" statement as alleviating him of his obligation to pay the appellant filing fee. He therefore moves this Court to vacate the June 11, 2008 collection order and direct the Michigan Department of Corrections to remove the hold on his prison account and refund all collected monies. The Sixth Circuit's mandate, however, did not address the appellant filing fee. Rather, the no costs order applied to each party's responsibility for the other party's costs in relation to the appeal. The Sixth Circuit's "no costs" statement means only that Plaintiff is not obligated to pay the prevailing party (i.e. Defendants) its costs in defending against his appeal. Plaintiff therefore is still obligated to pay the full fee for filing his appeal.

Accordingly,

**IT IS ORDERED**, that Plaintiff's Motion to Vacate Appellant Filing Fees is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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Magistrate Judge Paul Komives